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D E C I S I O N
of 19 September 2002

Case Number: T 0088/02 - 3.3.6

Application Number: 95900225.4

Publication Number: 0728187

IPC: C11D 17/06

Language of the proceedings: EN

Title of invention:

Process for the production of a detergent composition

Patentee:

UNILEVER PLC, et al

Opponent:

Henkel KGaA

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0088/02 - 3.3.6

D E C I S I O N
of the Technical Board of Appeal 3.3.6
of 19 September 2002

Appellant: Henkel KGaA
(Opponent) VTP (Patente)
D-40191 Düsseldorf (DE)

Representative: -

Respondent: UNILEVER PLC
(Proprietor of the patent) Unilever House
Blackfriars
London EC4P 4BQ (GB)

UNILEVER N.V.
Weena 455
NL-3013 AL Rotterdam (NL)

Representative: Elliott, Peter William
Unilever plc
Patent Division
Colworth House
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 22 November 2001
rejecting the opposition filed against European
patent No. 0 728 187 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: P. Krasa
Members: G. Dischinger-Höppler
M. Tardo-Dino

Summary of Facts and Submissions

The appeal contests the decision of the Opposition Division of the European Patent Office dated 22 November 2001, rejecting the opposition pursuant to Article 102(2) EPC.

The Appellant (Opponent) filed a Notice of Appeal on 22 January 2002 and paid the fee for appeal on the same day.

No Statement of Grounds was filed.

By a communication dated 10 May 2002 sent by registered letter with advice of delivery, the Registry Board informed the Appellant that no Statement of Grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

No answer has been given within the given time limit to the Registry's communication.

Reasons for the Decision

As no written Statement setting out the Grounds of Appeal has been filed and as the Notice of Appeal does not contain anything that could be regarded as a Statement of Grounds of Appeal according to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons, it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

G. Rauh

P. Krasa